

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Section 20.19 of the Commission's Rules)	WT Docket No. 01-
	309	
Governing Hearing Aid-Compatible Telephones)	RM-8658

**Report and Request for Waiver--47 C.F.R. § 20.19(d)(2)
Hearing Aid Compatibility--Inductive Coupling**

Farmers Mutual Telephone Company dba FMTC Mobile Services ("Reporter"), a digital wireless service provider, pursuant to the Federal Communications Commission's ("Commission" or "FCC") *Report and Order* in WT Docket No. 01-309, FCC 03-168, 29 CR 1299 (August 14, 2003), hereby files a report concerning the availability of digital phones for the hearing impaired and seeks a waiver of 47 C.F.R. § 20.19(d)(2). This filing does not address the reporting requirements or waiver needs required by the *Report and Order* which are properly addressed by handset manufacturers who are in the best position to report on their own activities.

I. Carrier Information

Reporter is a small Commercial Mobile Radio Services carrier that provides CDMA PCS service in rural Idaho. Reporter has not received a request for a HAC handset.

II. Handset Discussion

Reporter, in compliance with 47 C.F.R. § 20.19(c)(2)(i)(A) distributes at least two HAC-compliant models of handsets for use by persons with a hearing disability: Motorola models V262 and V710, and Kyocera models KX5 and KX9 are HAC-compliant for radio frequency interference (U3 performance level; acoustic coupling). As of September 18, 2006, 47 C.F.R. § 20.19(d)(2) requires that carriers offer at least two handsets which comply with the U3T level of performance (inductive coupling). At this time Reporter is unable to obtain U3T compliant phones from its handset distributors (Motorola & Kyocera) and it is Reporter's further understanding that Motorola does not yet have Commission approval to manufacture and distribute UT3 compliant handsets. Because Reporter does not control the manufacture of compliant handsets it is respectfully submitted that the unavailability of compliant phones is a circumstance beyond Reporter's control and enforcement of the applicable rule would not further the Commission's goal of increasing the availability of compliant handsets. Accordingly, waiver of the requirement would be appropriate.

III. Hearing Aid Compatible Handset Labeling/Insert Requirement

The two HAC-compliant Motorola handsets models which Reporter distributes contain an information sheet or instruction manual which describes the HAC capabilities of the handsets. Each retail location has live working handsets on display for customer evaluation. The handset boxes are not on display and they do not have any HAC ratings listed on the box. The Kyocera boxes are not labeled by the manufacturer with HAC information and the Kyocera manuals do not appear to contain any HAC discussion; Reporter determined that the Kyocera models its sells are

M3 HAC compliant via other sources. Reporter awaits the manufacturers to supply appropriate notification stickers and/or boxes with preprinted information; the Motorola V262 does have a text sticker on the box which states that the handset is M3 rated for hearing aid compatibility.

IV. Outreach Efforts & Interoperability

Reporter has tested the M3 HAC-compliant handsets which are distributed by it and they work well throughout Reporter's service area. Reporter makes reasonably available to disabled subscribers and disabled potential subscribers of HAC-compliant, via the retail handset distribution facility, current technical and anecdotal information regarding the hearing aid compatibility of specific wireless handsets including both HAC-compliant and non-HAC-compliant handsets. Reporter educates its subscribers, and any potential subscribers, on the functionality of the hearing aid compatible handsets it sells. In addition, Farmers has a thirty-day no questions asked return policy.

Respectfully Submitted,

Timothy E. Welch
Hill & Welch

September 13, 2006

1330 New Hampshire Ave., N.W.
#113
Washington, D.C. 20036
202-775-0070
Reporter's Attorney